

## SENATE BILL No. 519

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-12-0.5-8; IC 20-19-2-8; IC 20-19-2-12.

**Synopsis:** Use of recycled components in school construction. Requires the commission for higher education to establish statewide guidelines requiring the use of recycled components in certain construction projects of state educational institutions. Requires the state board of education to adopt rules mandating the use of recycled components in certain school construction projects.

**Effective:** July 1, 2007.

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January 23, 2007, read first time and referred to Committee on Education and Career Development.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 519

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-12-0.5-8, AS AMENDED BY P.L.246-2005,  
2       SECTION 121, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2007]: Sec. 8. The commission shall have the  
4       following powers and duties:

5               (1) To develop, continually keep current, and implement a long  
6               range plan for postsecondary education. In developing this plan,  
7               the commission shall take into account the plans and interests of  
8               the state private institutions, anticipated enrollments in state  
9               postsecondary institutions, financial needs of students, and other  
10              factors pertinent to the quality of educational opportunity  
11              available to the citizens of Indiana. The plan shall define the  
12              educational missions and the projected enrollments of the various  
13              state educational institutions.

14              (2) To consult with and make recommendations to the  
15              commission on vocational and technical education within the  
16              department of workforce development on all postsecondary  
17              vocational education programs. The commission shall biennially

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1 prepare a plan for implementing postsecondary vocational  
 2 education programming after considering the long range state  
 3 plan developed under IC 20-1-18.3-10. The commission shall  
 4 submit this plan to the commission on vocational and technical  
 5 education within the department of workforce development for its  
 6 review and recommendations, and shall specifically report on how  
 7 the plan addresses preparation for employment.

8 (3) To make recommendations to the general assembly and the  
 9 governor concerning the long range plan, and prepare to submit  
 10 drafts and proposed legislation needed to implement the plan. The  
 11 commission may also make recommendations to the general  
 12 assembly concerning the plan for postsecondary vocational  
 13 education under subdivision (2).

14 (4) To review the legislative request budgets of all state  
 15 educational institutions preceding each session of the general  
 16 assembly and to make recommendations concerning  
 17 appropriations and bonding authorizations to state educational  
 18 institutions including public funds for financial aid to students by  
 19 any state agency. The commission may review all programs of any  
 20 state educational institution, regardless of the source of funding,  
 21 and may make recommendations to the governing board of the  
 22 institution, the governor, and the general assembly concerning the  
 23 funding and the disposition of the programs. In making this  
 24 review, the commission may request and shall receive, in such  
 25 form as may reasonably be required, from all state educational  
 26 institutions, complete information concerning all receipts and all  
 27 expenditures.

28 (5) To submit to the commission on vocational and technical  
 29 education within the department of workforce development for its  
 30 review under IC 20-1-18.3-15 the legislative budget requests  
 31 prepared by state educational institutions for state and federal  
 32 funds for vocational education. These budget requests shall be  
 33 prepared upon request of the budget director, shall cover the  
 34 period determined by the budget director, and shall be made  
 35 available to the commission within the department of workforce  
 36 development before review by the budget committee.

37 (6) To make, or cause to be made, studies of the needs for various  
 38 types of postsecondary education and to make recommendations  
 39 to the general assembly and the governor concerning the  
 40 organization of these programs. The commission shall make or  
 41 cause to be made studies of the needs for various types of  
 42 postsecondary vocational education and shall submit to the

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commission on vocational and technical education within the department of workforce development the commission's findings in this regard.

(7) To approve or disapprove the establishment of any new branches, regional or other campuses, or extension centers or of any new college or school, or the offering on any campus of any additional associate, baccalaureate, or graduate degree, or of any additional program of two (2) semesters, or their equivalent in duration, leading to a certificate or other indication of accomplishment. After March 29, 1971, no state educational institution shall establish any new branch, regional campus, or extension center or any new or additional academic college, or school, or offer any new degree or certificate as defined in this subdivision without the approval of the commission or without specific authorization by the general assembly. Any state educational institution may enter into contractual agreements with governmental units or with business and industry for specific programs to be wholly supported by the governmental unit or business and industry without the approval of the commission.

(8) If so designated by the governor or the general assembly, to serve as the agency for the purposes of receiving or administering funds available for postsecondary education programs, projects, and facilities for any of the acts of the United States Congress where the acts of Congress require the state to designate such an agency or commission. However, this subdivision does not provide for the designation of the commission by the governor as the recipient of funds which may be provided by acts of the United States Congress, received by an agency, a board, or a commission designated by the general assembly.

(9) To designate and employ an executive officer and necessary employees, to designate the titles of the executive officer and necessary employees, and to fix the compensation in terms of the employment.

(10) To appoint appropriate advisory committees composed of representatives of state educational institutions, representatives of private colleges and universities, students, faculty, and other qualified persons.

(11) To employ all powers properly incident to or connected with any of the foregoing purposes, powers, or duties, including the power to adopt rules.

(12) To develop a definition for and report biennially to the:

(A) general assembly;

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- 1 (B) governor; and  
 2 (C) commission on vocational and technical education within  
 3 the department of workforce development;  
 4 on attrition and persistence rates by students enrolled in state  
 5 vocational education. A report under this subdivision to the  
 6 general assembly must be in an electronic format under IC 5-14-6.  
 7 (13) To submit a report to the legislative council not later than  
 8 August 30 of each year on the status of the transfer of courses and  
 9 programs between state educational institutions. The report must  
 10 include any changes made during the immediately preceding  
 11 academic year.  
 12 (14) To direct the activities of the committee, including the  
 13 activities set forth in subdivisions (15) and (16).  
 14 (15) To develop through the committee statewide transfer of  
 15 credit agreements for courses that are most frequently taken by  
 16 undergraduates.  
 17 (16) To develop through the committee statewide agreements  
 18 under which associate of arts and associate of science programs  
 19 articulate fully with related baccalaureate degree programs.  
 20 (17) To publicize by all appropriate means, including an Internet  
 21 web site, a master list of course transfer of credit agreements and  
 22 program articulation agreements.  
 23 (18) To establish, with the assistance of the committee, a  
 24 statewide core transfer library of at least seventy (70) courses that  
 25 are transferable on all campuses of the state educational  
 26 institutions in accordance with the principles in section 13 of this  
 27 chapter.  
 28 (19) To establish, with the assistance of the committee,  
 29 articulation agreements for at least twelve (12) degree programs:  
 30 (A) for which articulation agreements apply to any campus in  
 31 the Ivy Tech State College system and to Vincennes  
 32 University; and  
 33 (B) that draw from liberal arts and the technical, professional,  
 34 and occupational fields.  
 35 **(20) To develop statewide guidelines requiring the use of**  
 36 **recycled components (as defined in IC 6-3.1-25.2-3) in the:**  
 37 **(A) construction of new; or**  
 38 **(B) repair, rehabilitation, remodeling, renovation,**  
 39 **reconstruction, or alteration of existing;**  
 40 **facilities or buildings, including dormitories, fieldhouses,**  
 41 **gymnasiums, student unions, and halls of music of state**  
 42 **educational institutions. The commission shall consider**

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**environmental liability concerns in developing a plan under this section.**

SECTION 2. IC 20-19-2-8, AS ADDED BY P.L.65-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines, other than ~~building~~, space and site requirements, for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program.

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools.

Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

(D) IC 20-28-9-7 and IC 20-28-9-8;

(E) IC 20-28-11; and

(F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

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is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(6) Subject to section 9 of this chapter, the adoption and approval of textbooks under IC 20-20-5.

(7) The distribution of funds and revenues appropriated for the support of schools in the state.

(8) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(9) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

(10) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

**(11) The mandatory use of recycled components (as defined in IC 6-3.1-25.2-3) in the construction of new school facilities and the alteration or repair of existing school facilities. The state board shall consider environmental liability concerns in adopting a rule under this subsection.**

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

SECTION 3. IC 20-19-2-12, AS AMENDED BY P.L.1-2006, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) **Except as provided in section 8(a)(11) of this chapter**, the state board shall adopt nonbinding guidelines for the selection of school sites and the construction, alteration, and repair of school buildings. The nonbinding guidelines:

- (1) must include preferred location and building practices for school corporations, including standards for enhancing health, energy efficiency, cost efficiency, and instructional efficacy; and
- (2) may include guidelines concerning minimum acreage, cost per square foot, and per student square footage.

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(b) The state board shall annually compile, in a document capable of easy revision, the:

(1) guidelines described in subsection (a); and

(2) rules of the:

(A) fire prevention and building safety commission; and

(B) state department of health;

that govern site selection and the construction, alteration, and repair of school buildings.

(c) Before submitting completed written plans and specifications for the selection of a school building site or the construction or alteration of a school building to the division of fire and building safety for issuance of a design release under IC 22-15-3, a school corporation shall:

(1) issue a public document that describes any material differences between the plans and specifications prepared by the school corporation and the guidelines adopted under subsection (a), as determined under the guidelines adopted by the state board; and

(2) after publishing a notice of the public hearing under IC 5-3-1, conduct a public hearing to receive public comment concerning the school corporation's plans and specifications.

After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the division of fire and building safety without making changes. The school corporation shall revise the public document described in subdivision (1) to identify any changes in the plans and specifications after the public document's initial preparation.

**SECTION 4. [EFFECTIVE JULY 1, 2007] IC 20-12-0.5-8 and IC 20-19-2-8, both as amended by this act, apply to construction or other projects beginning after June 30, 2007.**

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